

ASSEMBLY BILL

No. 846

Introduced by Assembly Member Torrico

February 26, 2009

An act relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 846, as introduced, Torrico. State agencies: civil and administrative penalties.

The Administrative Procedure Act contains provisions governing the conduct of administrative adjudication for state agencies.

This bill would declare the intent of the Legislature to enact subsequent legislation requiring state agencies that are authorized to impose civil or administrative penalties for a violation of a law, regulation, order, permit, or license that the state agency is authorized to enforce, adopt, or issue, to take specified actions with regard to the amount and collection of these penalties.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby declares its intention to
- 2 enact subsequent legislation to require all state agencies that are
- 3 authorized to impose civil or administrative penalties for a violation
- 4 of a law, regulation, order, permit, or license that the state agency
- 5 is authorized to enforce, adopt, or issue, to do all of the following:
- 6 (a) Regularly adjust the amount of civil and administrative
- 7 penalties to reflect changes in the cost of living.

- 1 (b) Require the assessment and adjustment of civil and
- 2 administrative penalties that, to the maximum extent permitted by
- 3 law, deprive the violator of any economic benefit or savings
- 4 resulting from noncompliance.
- 5 (c) Maintain the deterrent effect of civil and administrative
- 6 penalties and promote compliance with the law.
- 7 (d) Improve the collection of civil and administrative penalties.
- 8 (e) Require state agencies to report to the Legislature on
- 9 compliance with these requirements.